

REMARKS

Claims 1 – 3, 10 – 15, and 21 – 23 are pending in this application. Claims 10 – 15 have been withdrawn from consideration, but it is respectfully requested that these claims be reinstated as they are all dependent on a claim that should be allowable in view of this response.

In a Non-Final Office Action mailed April 25, 2008, claims 21 – 23 have been rejected as necessitated by amendment under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 21 has been amended to overcome this rejection.

The prior rejection of claims 46 – 48 and 50 has been maintained under 35 USC 103(a) as being unpatentable over Takahashi (PCT Publication No. WO/98/08944, hereinafter “Takahashi”) in view of Mouton (US Patent No. 5,789,174, hereinafter “Mouton”). Claims 46 – 48 and 50 have been canceled.

The prior rejection of claims 1 – 3, 7, 14, 15, 37 – 39, 84, and 85 has been maintained as the claims were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4 – 6, and 8 – 10 of co-pending US Patent Application No. 11/698,673 (hereinafter “the ‘673 application”). Additionally, the rejection has been extended to claims 4, 6, and 32 in view of the teachings of claims 9 and 10 (referring to the use of immunoassays, which involve the use of antibodies to bind the target analyte) and of claim 3. Claims 1, 2, 4 – 6, and 8 – 10 of the ‘673 application have been canceled. Therefore, this rejection is respectfully traversed.

Claim 5 has been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4 – 6, and 8 – 10 of the ‘673 application in view of Rittenburg et al. (US Patent No. 5,710,005, hereinafter “Rittenburg et al.”). Claims 1, 2, 4 – 6, and 8 – 10 of the ‘673 application have been canceled. Therefore, this rejection is respectfully traversed.

Claim 34 has been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4 – 6, and 8 – 10 of the ‘673 application in

view of Pearson et al. (US Patent No. 5,476,768, hereinafter "Pearson et al."). Claims 1, 2, 4 – 6, and 8 – 10 of the '673 application have been canceled. Therefore, this rejection is respectfully traversed.

In view of the fact that all of the Examiner's objections and rejections have been overcome by amendment, Applicants believe the pending application, including claims 1 – 3, 10 – 15, and 21 – 23 is in condition for allowance. A one-month Petition For Extension Of Time and the required fee are attached with this response. It is believed that no other fee is due. However, if any additional fee is due, please charge our Deposit Account No. 50-1848, under Order No. 022116.0102PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
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